IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 342 OF 2001
IN
COMPANY PETITION NO. 7 OF 1998

OFFICIAL LIQUIDATOR HIGH COURT OF BOMBAY PANAJI ... Applicant

Versus

RAMESH B.DESAI KHANAPUR & ANR ... Respondents

Ms. Amira Razaq, Advocate for the Official Liquidator/Applicant.

Coram:- N. A. BRITTO, J.

Date:- 17th August, 2007

ORAL ORDER

Heard Ms. Razaq, the learned Counsel on behalf of the applicant.

2. This is a claim application filed on behalf of the applicant for the recovery of a sum of Rs.23,089/-, with interest at the rate of 20% from 01.01.1999.

3. The respondent no.1 was duly served and filed the written statement admitting the claim of the principal amount of Rs.23,089/- and sought waiver of interest at the rate of 20% from 01.01.1999 to 30.04.2001. The respondent no.2 was duly served by publication but has chosen not to contest the claim.

4. The claim of the applicant arises out of a loan of Rs.25,000/- given to respondent no.1 on 13.10.1997 with respondent no.2 standing as a surety for the repayment of the said loan. On behalf of the applicant, Shri Hazare, the Senior Technical Assistant in the office of the applicant, has filed his affidavit in evidence and has produced along with it amongst

other documents the application for loan signed by both the respondents so also an Agreement for loan as well as a Promissory note again signed by both the respondents. An undated declaration has also been signed by both the respondents. In fact, respondent no.2 is the wife of respondent no.1. The loan ledger is also produced.

5. On the basis of the affidavit and the documents produced, I have no hesitation to decree the claim of the applicant in the sum of Rs.23,089/- with pending interest at the rate of 20% and future interest at the rate of 6% per annum, jointly and severally against both the respondents. As per Order dated 19.01.2007, the respondents are given an option to pay the decretal amount in monthly instalment of Rs.700/-. The payments made shall be adjusted.

6. The claim application is disposed of.

N. A. BRITTO, J.

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